

client assistance memo

A Citizen's Guide to Housing and Zoning Code Compliance

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This Client Assistance Memo (CAM) explains Seattle's basic regulations relating to housing, zoning, and vegetation, gives information on how citizens may report code violations, and outlines the code compliance process.

Except during the building construction process, each of these codes is enforced on a referral basis. Citizen reports of suspected code violations to the Department of Planning and Development (DPD) make it possible for the department to conduct investigations, identify and cite violations and obtain compliance with code requirements.

DPD's Compliance staff are located on the 19th floor of Seattle Municipal Tower at 700 Fifth Avenue in downtown Seattle. Phone: (206) 684-7899.

Housing and Building Maintenance Code

Seattle's Housing and Building Maintenance Code (HBMC) sets minimum standards for basic habitability, structural and weather protection, fire safety and security. Portions of this code apply to all buildings and to the area surrounding them, including buildings which are not used for housing. The habitable building standards of the code are only advisory (not enforceable) for single family homes or apartments occupied by their owners. Rental residential properties are **required** to comply with the standards.

Common HBMC violations reported to DPD include structural and foundation disrepair, deteriorated chimneys which can lead to fires, rotten roofs or missing windows which allow rain to enter a building and contribute to deterioration, broken steps which

create an accident hazard and broken or inoperable plumbing fixtures which create sanitation hazards. Lack of adequate heat or water constitutes a code violation regarded as an emergency by DPD.

Vacant buildings are not subject to the habitable building standards, but there are strict standards for closing and maintaining vacant buildings so they do not create a safety or health hazard. Owners must maintain the yard in a presentable condition, without overgrowth or litter accumulation. For further information, please refer to CAM #605, "City Regulations for Maintaining Vacant Buildings."

Land Use Code

The way land is used in Seattle is controlled by the Land Use Code. To assure that land uses in a particular area are compatible, some areas (residential, for example) are protected from some uses (like industry) through zoning.

Major zoning categories in Seattle include single family residential, multifamily residential, neighborhood commercial and commercial, manufacturing, and industrial. There are also various overlay and special review districts which impose additional standards.

Within each zone, some uses are allowed outright; others are allowed conditionally, and others are prohibited. Explicit development standards relating to parking and building size, shape and location also apply. The use of a building must be established by permit at the time of construction. A permit is also required if the use of a building, or part of it, is changed. Any use not established by permit constitutes a code violation. These are some zoning violations frequently reported to DPD for enforcement action:

- storing inoperable cars or trucks in residential yards
- storing scrap or salvage materials outside in a residential zone
- operating an illegal duplex in a single family zone
- changing a commercial use without appropriate permits, for example, converting warehouse to office space
- operating a business or institution, such as school or day care center, without obtaining a permit

www.seattle.gov/dpd



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- running a home-based business which does not qualify as an accessory use home occupation

Questions* about property zoning and Land Use Code provisions can be asked in two ways:

1. Online using DPD's Land Use "Question & Answer Service" at www.seattle.gov/dpd/landuse; or
2. Meeting with a land use planner in the DPD Applicant Services Center, 20th floor of Seattle Municipal Tower, 700 Fifth Ave., available M/W/F, 7:30 a.m.-5:30 p.m.; and Tu/Th, 10:30 a.m.-5:30 p.m.

***NOTE:** Due to the complexity of Seattle's Land Use Code, and the importance of providing you with the most accurate information that specifically addresses your situation, DPD staff does not answer questions on this topic by phone.

Weeds and Vegetation

When vegetation overgrows sidewalks or streets or when weeds take over a yard, they may become a public nuisance and can be a health or fire hazard. Property owners are responsible for keeping their grounds and adjacent street right-of-way free of overgrown weeds and vegetation.

Code Enforcement/Complaint Response

In most instances, DPD begins investigating a code violation and taking enforcement action when a citizen reports a potential violation. If you think you know of a potential violation, you may report it in any of the following ways:

1. Online: www.seattle.gov/dpd/csc/complaint.asp
2. By phone: DPD Complaint Hotline, (206) 684-7899
3. In person: DPD Code Compliance, 20th floor of Seattle Municipal Tower, 700 Fifth Ave., Seattle
4. By letter to: DPD Code Compliance, 700 Fifth Ave., Suite 2000, P.O. Box 34019, Seattle, WA 98124-4019

If you are willing to identify yourself and provide your address, you will either receive a phone call or be mailed a card identifying the inspector assigned to the case so you may follow the progress of the investigation. You may remain anonymous if you wish or request that DPD not release your name in connection with the investigation.

When reporting a possible violation, you should provide DPD with the exact address of the building, unit number if applicable, or as specific a location as possible to enable the inspector to locate the site. Then describe the condition you have observed.

After receiving a citizen request, DPD will inspect any property as soon as possible to determine if a code

violation exists. Health and safety related housing complaints are the highest priority. If a violation is found, a notice will be mailed to the property owner requiring compliance by a certain date. For HBMC and Land Use Code violations, a notice will also be posted on the site.

Within 10 days of receiving a notice of violation of the HBMC or 15 days of receiving a notice of violation of the Land Use Code the owner or any other affected party may file a written request for a DPD review to reconsider the notice of violation. Following the review, the DPD Director may sustain, modify or withdraw the notice of violation.

The amount of time allowed for code compliance varies based upon the type of violation and the time necessary for repairs or corrections. Non-emergency violations are generally allowed 45 days from the notice of violation. Extensions may be granted from the originally established compliance date, but most violations are corrected by the required date.

Either at the request of the owner or shortly after the compliance period has expired, DPD will reinspect the property to determine whether the violation has been corrected. If the violation has been corrected, a certificate of compliance will be mailed to the owner, who should file it with King County to clear title records.

If a violation is not corrected, DPD will refer the case to the City's Law Department for legal action. Various civil and criminal penalties, including substantial fines or jail sentences, may be imposed in Municipal Court for failure to correct code violations. Information on specific penalties for code violations is available from DPD Code Compliance staff at (206) 684-7899.

For More Information

For more detailed information on the ordinances, procedures and penalties involved with housing and zoning enforcement in Seattle, refer to the relevant codes or contact DPD Code Compliance, (206) 684-7899.

Both the HBMC and the Land Use Code are available online at www.seattle.gov/dpd/codes. Printed copies may be purchased from the DPD Public Resource Center, 20th floor of Seattle Municipal Tower, 700 Fifth Ave., (206) 684-8467. They are also available at Seattle's public libraries.

A database of current complaints and their status is available on DPD's website at www.seattle.gov/dpd.